



SUPERIOR COURT OF GUAM

Guam Judicial Center • 120 West O'Brien Drive • Hagåtña, Guam 96910

Telephone (671) 475-3449

Fax (671) 472-2856

RICHARD B. MARTINEZ  
Clerk of Courts

June 25, 2007

Ms. Judith Hattori  
District Court of Guam  
Office of the Clerk  
4<sup>th</sup> Floor U.S. Courthouse  
West Soledad Avenue  
Hagåtña Guam 96910

CV-07-00005  
**FILED**  
DISTRICT COURT OF GUAM

JUN 26 2007

MARY L.M. MORAN  
CLERK OF COURT

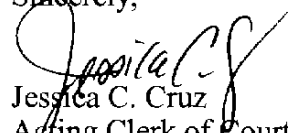
Re: Superior Court Case No. CV1219-05  
Caption:

*Jeremy J. Camacho, Plaintiff, Vs. Ryan P. Blume, Nissan Motors Corporation In Guam, a Guam Corporation, Tokio Marine and Nichido Fire Insurance Co., Ltd., Defendants.*

Dear Ms. Hattori,

Transmittal herewith are certified copies of the above-entitled case pursuant to the Notice of Filing of Notice of Removal of Civil Action; Attachment; Certificate of Service filed on March 22, 2007 together with the Clerk's Certificate of Transmittal.

Sincerely,

  
Jessica C. Cruz  
Acting Clerk of Court  
Superior Court of Guam

cc:  
Atty. Jeffrey Cook for (Plaintiff)  
Atty. Louie J. Yanza for (Defendants)

IN THE SUPERIOR COURT OF GUAM  
HAGATÑA, GUAM

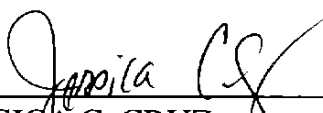
JEREMY J. CAMACHO,	)	SUPERIOR COURT
	)	CASE NO. CV1219-05
Plaintiff,	)	
	)	
Vs.	)	
	)	
RYAN P. BLUME, NISSAN MOTORS	)	
CORPORATION IN GUAM, a Guam	)	
Corporation, TOKIO MARINE and	)	
NICHIDO FIRE INSURANCE CO., LTD.,	)	
Defendants.	)	
_____	)	

**CLERK'S CERTIFICATE OF TRANSMITTAL**

The Clerk of the Superior Court of Guam do hereby transmit to the District Court of Guam certified copies on the above-entitled case, to wit:

01. Cash Register Trans
02. Docketing Statement
03. Complaint For Damages filed 12/05/05.
04. Summons for Ryan P. Blume filed 12/05/05
05. Summons for Nissan Motors Corporation in Guam, A Guam Corporation filed 12/05/05
06. Summons for Tokio Marine And Nichido Fire Insurance Co. Ltd. Filed 12/05/05
07. Notice of Judge Assignment filed 12/14/05
08. Declaration of Service on Nanbo's Insurance filed 12/28/05
09. Declaration of Service on Nissan Motors Corporation filed 01/05/06
10. Answer filed on 01/13/06
11. Notice to Adverse Party of Removal to Federal Court filed 03/22/07
12. Notice of Filing of Notice of Removal of Civil Action; Attachment; Certificate of Service filed 03/22/07

Dated: 6/25/07

  
\_\_\_\_\_  
JESSICA C. CRUZ  
ACTING CLERK OF COURT  
Superior Court of Guam

ORIGINAL

LEONARDO M. RAPADAS  
United States Attorney  
MIKEL W. SCHWAB  
Assistant U.S. Attorney  
Sirena Plaza, Suite 500  
108 Hernan Cortez Avenue  
Hagatna, Guam 96910  
Tel: 671-472-7332  
Fax: 671-472-7215

Attorneys for the United States of America

IN THE SUPERIOR COURT OF GUAM

TERRITORY OF GUAM

JEREMY J. CAMACHO,

Plaintiff,

vs.

RYAN P. BLUME, NISSAN MOTORS  
CORPORATION IN GUAM, a Guam  
Corporation, TOKIO MARINE and  
NICHIDO FIRE INSURANCE CO., LTD.,

Defendants.

CIVIL NO. CV 1219-05

NOTICE OF FILING OF  
NOTICE OF REMOVAL OF  
CIVIL ACTION; ATTACHMENT;  
CERTIFICATE OF SERVICE

TO: CLERK OF THE COURT  
Superior Court of Guam

JEFF COOK  
Law Offices of Cunliffe & Cook  
210 Archbishop F.C. Flores Street  
Hagatna, Guam 96910  
Attorney Plaintiff

LOUIE J. YANZA  
Maher, Yanza Flynn, Timblin, LLP  
115 Hesler Place, Ground Floor  
Governor Joseph Flores Building  
Hagatna, Guam 96910

Attorney for Defendants Nissan Motors Corp, Tokio Marine  
and Nichido Fire Ins. Co. Ltd.

PLEASE TAKE NOTICE that on 22<sup>nd</sup> day of March 2007, the United States of  
America, on behalf of Ryan P. Blume, a federal employee, filed in the Office of the Clerk of the  
United States District Court for the District of Guam, a Notice of Removal of Civil Action of the  
above-entitled cause of action to the United States District Court. A copy of such notice is

1 annexed hereto. A copy of the notice is being filed with the Clerk of the Superior Court of  
2 Guam, for the Territory of Guam, pursuant to Title 28, United States Code, Sections 1441, 1442,  
3 1444 and 1446.

4 DATED: Hagatna, Guam, MAR 22 2007

5  
6  
7 LEONARDO M. RAPADAS  
8 United States Attorney  
9 Districts of Guam and CNMI

10 BY: 

11 MIKEL W. SCHWAB  
12 Assistant U.S. Attorney  
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1 LEONARDO M. RAPADAS  
United States Attorney  
2 MIKEL W. SCHWAB  
Assistant U.S. Attorney  
3 Sirena Plaza, Suite 500  
108 Hernan Cortez Avenue  
4 Tel: (671) 472-7332  
Fax: (671) 472-7215

5 Attorneys for Defendant UNITED STATES OF AMERICA

6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE DISTRICT OF GUAM

9 JEREMY J. CAMACHO,

10 Plaintiff,

11 vs.

12 RYAN P. BLUME, NISSAN MOTORS  
13 CORPORATION IN GUAM, a Guam  
Corporation, TOKIO MARINE AND  
14 NICHIDO FIRE INSURANCE CO., LTD.,

15 Defendants.

CIVIL NO. \_\_\_\_\_

NOTICE OF REMOVAL OF  
CIVIL ACTION; EXHIBIT A;  
CERTIFICATE OF SERVICE

16  
17 Upon direction of the Attorney General of the United States and pursuant to Title  
18 28, United States Code, Sections 1441, 1442, 1444 and 1446, the undersigned attorneys on  
19 behalf of Defendant Ryan P. Blume, a federal employee, acting in the scope of his employment,  
20 hereby give notice of the removal of the above-captioned civil action to the United States District  
21 Court for the District of Guam. The grounds for this removal are as follows:

22 1. On December 5, 2005, a Complaint was filed by plaintiff against  
23 defendants, in the Superior Court of Guam, Territory of Guam. The Superior Court action is  
24 numbered Civil No. CV 1219-05

25 2. A copy of the Complaint, relating to the said Superior Court action was  
26 received in the United States Attorney's Office. A copy of the Complaint, is attached hereto as  
27 Exhibit A.  
28

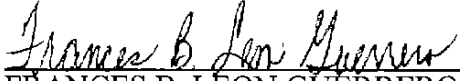


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2  
3  
4 CERTIFICATE OF SERVICE

5 I HEREBY CERTIFY that March 22<sup>nd</sup>, 2007, I served a copy of the foregoing  
6 Application by the United States of America for Writ of Certiorari Ordering the Records From  
7 the Superior Court of Guam by personal service upon the following attorneys:

8  
9 Louie J. Yanza  
10 Maher, Yanza, Flynn, Timblin  
11 115 Hesler Place, Ground Floor  
Governor Joseph Flores Building  
Hagatna, Guam 96910

Jeff Cook  
Law Offices of Cunliffe & Cook  
210 Archbishop F.C. Flores Street  
Hagatna, Guam 96910

12  
13   
14 FRANCES B. LEON GUERRERO  
15 Legal Assistant U.S. Attorney  
16  
17  
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**LAW OFFICES**

**CUNLIFFE & COOK**

210 Archbishop F.C. Flores Street

Hagåtña, GU 96910

Telephone: (671) 472-1824

Telecopier: (671) 472-2422

Attorneys for: Plaintiff

FILED  
SUPERIOR COURT  
OF GUAM

DEC 17 2007

CLERK OF COURT

**IN THE SUPERIOR COURT OF GUAM**

JEREMY J. CAMACHO

Plaintiff,

vs.

RYAN P. BLUME, NISSAN MOTORS  
CORPORATION IN GUAM, a Guam  
Corporation, TOKIO MARINE AND  
NICHIDO FIRE INSURANCE CO. LTD.,

Defendants.

CIVIL CASE NO. CV

1219-051

**COMPLAINT FOR DAMAGES**

COMES NOW Plaintiff Jeremy J. Camacho, through counsel, Cunliffe & Cook, A Professional Corporation, and hereby allege as follows:

**FIRST CAUSE OF ACTION**

1. This Court has jurisdiction over the cause of action pursuant to 7 GCA §3105.
2. Defendant Nissan Motors Corporation in Guam (hereafter "Defendant NMCG"), is, and at all times herein mentioned was, a business duly licensed in Guam, whose business includes the renting of automobiles.
3. At all times herein mentioned, Defendant NMCG was the registered owner of the 2003 Nissan Sentra, Guam License Plate No. ASA4431.
4. On information and belief, Defendant Ryan P. Blume (hereafter "Defendant Blume"), at the times mentioned herein, was a resident of Yigo, Guam, and was a permissive driver of the 2003 Nissan Sentra owned by Defendant NMCG.

EXHIBIT



5. Defendant Tokio Marine and Nichido Fire Insurance Co. Ltd. (hereafter "Defendant Tokio"), is, and at all times mentioned here, was, a corporation doing business in Guam and insuring Defendant NMCG under a policy of automobile liability insurance as the successor of Nichido Fire and Marine Insurance Co. Ltd.

6. Route 15 and Route 26, Mangilao, are, and at all times mentioned herein were, public highways in Guam.

7. On or about December 6, 2003, at approximately 6:40 p.m., Plaintiff was a passenger in a vehicle driven by Seung Hwan Pak, owned by Moon K. Hwang, and insured by Defendant Tokio. The vehicle Plaintiff was a passenger in and driven by Seung Hwan Pak was traveling southbound on Route 15 by Route 26, Mangilao, Guam. Defendant Blume attempted to execute a left turn from Route 15 onto Route 26 and struck the vehicle driven by Seung Hwan Pak. Defendant Blume received a verbal warning from the Guam Police Department for failing to yield while making a left hand turn, in violation of 16 GCA §3325(c).

8. At the time of the accident and immediately prior thereto, Defendant Blume was negligent and careless in the following particulars:

- a. In failing to keep his automobile under proper control;
- b. In failing to keep a proper look out for other vehicles using the highway in front of him and particularly the automobile in which Plaintiff was a passenger and was injured;
- c. In operating his motor vehicle without due caution or circumspection, and in utter disregard of the rights of others and particularly the rights of Plaintiff herein; and,
- d. In failing to yield the right of way at the intersection to the automobile Plaintiff was a passenger in, as noted in the warning of

the Guam Police Department. Each and all said acts of negligence were the approximate cause of the injuries to Plaintiff.

9. At the time of accident, Defendant Blume was driving the automobile in question with the consent, knowledge, permission and authority of Defendant NMCG. Defendant NMCG is liable for the damages caused by the negligence of Defendant Blume.

10. As a result of the negligence of Defendants and the resulting collision, Plaintiff received serious injuries to his right knee which caused significant and severe aggravation of a previous minor knee injury.

11. As a result of the accident, Plaintiff has suffered intense and continued pain and discomfort. Plaintiff has been subjected to pain, discomfort and suffering when attempting to use his right knee in carrying out the normal activities of daily life.

12. As result of the injuries to Plaintiff, it has been necessary for him to secure the services of physicians for treatment and purchase medicines for his treatment in an amount to be proved at trial.

13. Plaintiff's physicians have informed him, and therefore, he alleges on information and belief that it will be necessary for him to have surgery as further medical treatment in the future to correct the conditions herein and described above, in an amount to be proved at trial.

14. Since the date of the accident and resulting personal injuries set forth above, Plaintiff has suffered physical and emotional pain and suffering and in all reasonable probability, will continue to suffer pain for years, if not for the rest of his life. Plaintiff therefore, sues Defendants for physical and emotional pain and suffering, both past and future, as well as loss of enjoyment of life, in an amount to be proved at trial.

15. As a further direct and approximate result of the above, Plaintiff was permanently injured in his health and physical ability, causing diminishment of Plaintiff's future earning capacity, all to his damage in an amount to be proved at trial.

### SECOND CAUSE OF ACTION

16. Plaintiff reallege paragraphs 1 through 15, inclusive, of the First Cause of Action and incorporate them herein as if set out in their entirety.

17. Defendant Tokio, the automobile liability insurance carrier for Defendant NMCG, is directly liable within the terms and limits of its policy for the damages alleged herein pursuant to 22 GCA §18305.

### PRAYER

WHEREFORE, Plaintiff Jeremy J. Camacho prays for judgment against all Defendants, jointly and severally, as follows:

1. For damages for medical expenses, past and future, in an amount to be proved at trial.
2. For damages for pain and suffering and loss of enjoyment of life in an amount to be proved at trial.
3. For damages for reduced future earning capacity in an amount to be proved at trial.
4. For Plaintiff's cost of suit herein.
5. For such other and further relief as the Court deems just and proper.

**CUNLIFFE & COOK**  
A Professional Corporation  
Attorneys for Plaintiff

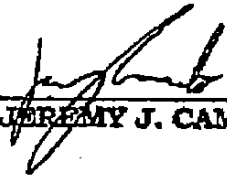
Dated: Dec 5, 2005

By   
JEFFREY A. COOK, ESQ.

## VERIFICATION


Hagåtña, Guam.

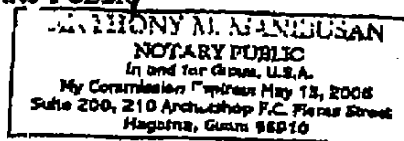
I, Jeremy J. Camacho, being first duly sworn, depose and state that I am the Plaintiff in the above-entitled matter; that I have read the foregoing Complaint for Damages and know the contents thereof; that the same is true of my knowledge, except as to those matters alleged upon information and belief, and as to those matters, I believe them to be true.

  
JEREMY J. CAMACHO

Hagåtña, Guam.

SUBSCRIBED and SWORN to before me this 5<sup>th</sup> day of December, 2005, by  
JEREMY J. CAMACHO.

  
NOTARY PUBLIC

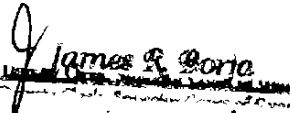


JAC:amm / My Files / Civil Matters  
Comp for Damages C0298

I do hereby certify that the foregoing  
is a full true and correct copy of the  
original on file in the office of the  
Clerk of the Superior Court of Guam.  
Dated at Hagåtña, Guam

JUN 25 2007

- 5 -

  
James R. Boria  
Clerk of the Superior Court of Guam

ORIGINAL

LEONARDO M. RAPADAS  
United States Attorney  
MIKEL W. SCHWAB  
Assistant U.S. Attorney  
Sirena Plaza, Suite 500  
108 Hernan Cortez Avenue  
Hagatna, Guam 96910  
Tel: 671-472-7332  
Fax: 671-472-7215

Attorneys for the United States of America

IN THE SUPERIOR COURT OF GUAM  
TERRITORY OF GUAM

JEREMY J. CAMACHO,

Plaintiff,

vs.

RYAN P. BLUME, NISSAN MOTORS  
CORPORATION IN GUAM, a Guam  
Corporation, TOKIO MARINE and  
NICHIDO FIRE INSURANCE CO., LTD.,

Defendants.

CIVIL NO. CV 1219-05

NOTICE TO ADVERSE PARTY OF  
REMOVAL TO FEDERAL COURT

TO: ATTORNEYS OF RECORD:

JEFF COOK  
Law Offices of Cunliffe & Cook  
210 Archbishop F.C. Flores Street  
Hagatna, Guam 96910  
Attorney Plaintiff

LOUIE J. YANZA  
Maher, Yanza Flynn, Timblin, LLP  
115 Hesler Place, Ground Floor  
Governor Joseph Flores Building  
Hagatna, Guam 96910  
Attorney for Defendants Nissan Motors Corp, Tokio Marine and Nichido Fire Ins. Co.  
Ltd.

PLEASE TAKE NOTICE THAT a Notice of Removal of Civil Action was filed in the  
United States District Court for the District of Guam, on 22<sup>nd</sup> March, 2007.

1 A copy of such notice is annexed hereto. A copy of the notice is being filed with the  
2 Clerk of the Superior Court of Guam, for the Territory of Guam, pursuant to Title 28, United  
3 States Code, Sections 1441, 1442, 1444 and 1446.

4 DATED: Hagatna, Guam, MAR 22 2007.


5  
6  
7 LEONARDO M. RAPADAS  
8 United States Attorney  
9 Districts of Guam and CNMI

10 BY: 

11 MIKEL W. SCHWAB  
12 Assistant U.S. Attorney  
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I do hereby certify that the foregoing  
is a full true and correct copy of the  
original on file in the office of the  
Clerk of the Superior Court of Guam  
Dated at Hagatna, Guam

JUN 25 2007

 James R. Bonta  
Clerk of the Superior Court of Guam

FILED  
SUPERIOR COURT  
OF GUAM

2007 JUN 26 3 43

CLERK OF COURT



Louie J. Yanza  
**MAHER . YANZA . FLYNN . TIMBLIN, LLP**  
115 Hesler Place, Ground Floor  
Governor Joseph Flores Building  
Hagåtña, Guam 96910  
Telephone No.: (671) 477-7059  
Facsimile No.: (671) 472-5487

Attorneys for Defendants  
**NISSAN MOTORS CORPORATION IN GUAM and TOKIO MARINE AND NICHIDO  
FIRE INSURANCE CO, LTD.**

**SUPERIOR COURT OF GUAM**

**JEREMY J. CAMACHO**

**CIVIL CASE NO. CV1219-05**

**Plaintiff,**

**ANSWER**

**vs.**

**RYAN P. BLUME, NISSAN MOTORS  
CORPORATION IN GUAM, a Guam  
Corporation, TOKIO MARINE AND  
NICHIDO FIRE INSURANCE CO., LTD.,**

**Defendants. /**

Defendants **NISSAN MOTORS CORPORATION IN GUAM and TOKIO  
MARINE AND NICHIDO FIRE INSURANCE CO., LTD.** (hereinafter collectively  
referred to as "Answering Defendants"), through counsel, **MAHER . YANZA .  
FLYNN . TIMBLIN, LLP**, by Louie J. Yanza, severing themselves from all other  
Defendants named herein, hereby answer the Complaint filed on December 5, 2005,  
in the above entitled action, as follows:

1. Answering Defendants admit the allegations contained in paragraphs 1,  
2, 3, and 5 of the Complaint.

2. Answering Defendants deny, generally and specifically, each and every allegation contained in paragraphs 8, 10, 11, 12, 13, 14, and 15 of the Complaint.
3. Answering Defendants state that they are without knowledge or information sufficient to allow them to formulate a belief as to the truth or veracity of the allegations contained in paragraphs 3, 6, and 7 of the Complaint and, based thereon, therefore, deny, generally and specifically, the same.
4. In response to the reallegations contained in paragraph 16 Plaintiff's Complaint, Answering Defendants reallege and incorporate herein by this reference their responses to said paragraph as if more fully set forth herein.
5. In response to paragraph 9 of the Plaintiff's Complaint, Answering Defendants admit Defendant RYAN P. BLUME was the permissive driver of the vehicle owned by Defendant NISSAN MOTORS CORPORATION IN GUAM. Answering Defendants deny, generally and specifically, all of the other remaining allegations contained in paragraph 9 of the Complaint.
6. In response to paragraph 17 of the Complaint, Answering Defendants admit only that pursuant to 22 G.C.A. §18305, Plaintiff is entitled to maintain a direct action against Defendant TOKIO MARINE AND NICHIDO FIRE INSURANCE CO., LTD. within the terms and limits of



1 the policy. Answering Defendants deny, generally and specifically, all  
2 the remaining allegations contained therein.

- 3 7. Except as otherwise specifically admitted herein, Answering Defendants  
4 deny, generally and specifically, each and every allegation not otherwise  
5 denied in Plaintiff's Complaint.  
6

7  
8 **FIRST AFFIRMATIVE DEFENSE**

9 Plaintiff's Complaint fails to state a claim against Answering Defendants upon  
10 which relief may be granted.

11  
12 **SECOND AFFIRMATIVE DEFENSE**

13 Plaintiff has failed to mitigate his damages.

14  
15 **THIRD AFFIRMATIVE DEFENSE**

16 Plaintiff's damages or injuries, if any, were caused by the negligence of Seung  
17 Hwan Pak.

18  
19 **FOURTH AFFIRMATIVE DEFENSE**

20 Plaintiff's damages or injuries, if any, were caused by the comparative  
21 negligence of Plaintiff JEREMY J. CAMACHO.

22  
23 **FIFTH AFFIRMATIVE DEFENSE**

24 Answering Defendants reserve their right to assert such further affirmative  
25 defenses as may appear as discovery proceeds.

WHEREFORE, Answering Defendants herein pray for relief as follows:

1. That Plaintiff take nothing against Answering Defendants by way of his Complaint;
2. That Plaintiff's Complaint be dismissed with prejudice;
3. That Answering Defendants be awarded their costs in defending this action; and
4. For such other and further relief as the Court may deem just and proper.

Dated this 13<sup>th</sup> day of January, 2006.

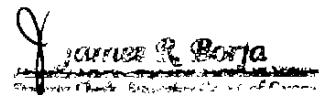
**MAHER . YANZA . FLYNN . TIMBLIN, LLP**  
Attorneys for Answering Defendants  
**NISSAN MOTORS CORPORATION IN GUAM**  
and **TOKIO MARINE AND NICHIDO FIRE**  
**INSURANCE CO., LTD.**

BY:

  
**LOUIE J. YANZA**

I do hereby certify that the foregoing  
is a true and correct copy of the  
original on file in the office of the  
Clerk of the Superior Court of Guam.  
Dated at Hagatña, Guam

JUN 25 2007

  
J. J. Borta  
Clerk of the Superior Court of Guam

(671) - 4721828  
ATTY: Jeffrey Cook  
210 Archbishop St.  
Hagatna, Guam

IN THE SUPERIOR COURT OF GUAM

FILED  
SUPERIOR COURT  
OF GUAM

CIVIL CASE NO. CV 1219-03  
2006 JAN -5 PM 1:19

CLERK OF COURT

DECLARATION OF

☒ SERVICE

( ) NON-SERVICE

JEREMY J. CAMACHO

Plaintiff(s)

vs.

RYAN P. BLUME, NISSAN MOTORS

CORPORATION IN GUAM, & GUAM

CORP, TOKIO MARINE AND NICHIO

Defendant(s)

FIRE INSURANCE CO. LTD,

I, CHARLES T. DAMIAN, being first duly sworn, depose and say that: I am a duly licensed Process Server in the Island of Guam and not a party interested in the above captioned case. That I:

☒ served upon NISSAN MOTORS CORPORATION IN GUAM  
the below listed document(s) to: J. BORJA, CORPORATE OFFICER, HR MGR.

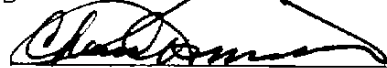
personally at: UPPER TUMON, NISSAN MOTORS 2ND FLOOR, TUMON GUAM

On the 4 day of JAN., 2006, at 10:15 (a.m.) (~~pm~~)  
( ) attempted to serve the below listed document(s) at the address thereon provided, but was unable to effect such service for the following reason(s):

Document(s) to be Served:

- ☒ Summons, Copy of Complaint, or Affidavit  
( ) Amended Summons, Copy of Complaint or Affidavit  
( ) Motion Order to Show Cause or JDX  
( ) Others: \_\_\_\_\_

I declare under penalty of perjury that the foregoing Declaration is true and correct.



CHARLES T. DAMIAN  
Process Server No. SP0199-99

Document Fee(s): Attempts: 2  
Mileage 12m.

HEARING DATE: \_\_\_\_\_

I do hereby certify that the foregoing is a full and correct copy of the original on file in the office of the Clerk of the Superior Court of Guam. Dated at Hagatna, Guam

JUN 25 2007

  
James R. Borja  
Clerk of the Superior Court of Guam

CIVIL CASE NO. CV 1219265

CLERK OF COURT

DECLARATION OF

☒ SERVICE

( ) NON-SERVICE

JEREMY J. CAMACHO,

Plaintiff(s)

vs.

RYAN P. BLUME, NISSAN  
MOTORS CORPORATION IN GUAM, a  
GUAM CORPORATION, TOKIO

MARINE and NICHIDO FIRE

Defendant(s)

INSURANCE CO. LTD.)

I, CHARLES T. DAMIAN, being first duly sworn, depose and say that: I am a duly licensed Process Server in the Island of Guam and not a party interested in the above captioned case. That I:

☒ served upon NANBO'S INSURANCE

the below listed document(s) to:

(W) 1048-2020 GIL A. BAGIAC, JR., CLAIMS MANAGER

personally at: ITC BLDG. 1ST FLOOR TAMUNING GUAM  
MARINE DR.

On the 27 day of DEC., 2005, at 2:30 PM (p.m.)

( ) attempted to serve the below listed document(s) at the address thereon provided, but was unable to effect such service for the following reason(s):

Document(s) to be Served:

☒ Summons, Copy of Complaint, or Affidavit

( ) Amended Summons, Copy of Complaint or Affidavit

( ) Motion Order to Show Cause or JDX

( ) Others: \_\_\_\_\_

I declare under penalty of perjury that the forgoing Declaration is true and correct.

CHARLES T. DAMIAN

Process Server No. SP0199-99

Document Fee(s): Attempts: 2  
Mileage 8 mi

HEARING DATE: \_\_\_\_\_

I do hereby certify that the foregoing is a true and correct copy of the original on file in the office of the Clerk of the Superior Court of Guam Dated at: San Juan, Guam

JUN 25 2007

James R. Borja

ATTY: JEFF REY COOK  
210 Acaibis Hop F.C. Flores St.  
Hagatna Guam (GT) 472-1824

MOB

1. *Introduction*  
 2. *Methodology*  
 3. *Results*  
 4. *Discussion*  
 5. *Conclusion*  
 6. *References*  
 7. *Appendix*  
 8. *Index*  
 9. *Table of Contents*  
 10. *Table of Figures*  
 11. *Table of Tables*  
 12. *Table of Equations*  
 13. *Table of Symbols*  
 14. *Table of Abbreviations*  
 15. *Table of Acronyms*  
 16. *Table of Units*  
 17. *Table of Constants*  
 18. *Table of Variables*  
 19. *Table of Parameters*  
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Civil Case No. CV1219-05

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*for*                        
RICHARD B. MARTINEZ  
Clerk of Court  
Superior Court of Guam

I do hereby certify that the foregoing is a full true and correct copy of the original on file in the office of the Court of the Superior Court of Guam. Dated at Hagåtña, Guam.

JUN 25 2007

James R. Borja  
President, The American Council on Education

**LAW OFFICES**

**CUNLIFFE & COOK**

210 Archbishop F.C. Flores Street

Hagåtña, GU 96910

Telephone: (671) 472-1824

Telecopier: (671) 472-2422

Attorneys for: Plaintiff

FILED  
SUPERIOR COURT  
OF GUAM

2005 DEC 05 PM 3:39

CLERK OF COURT

**IN THE SUPERIOR COURT OF GUAM**

**CV 1219-05**

JEREMY J. CAMACHO

Plaintiff,

vs.

RYAN P. BLUME, NISSAN MOTORS  
CORPORATION IN GUAM, a Guam  
Corporation, TOKIO MARINE AND  
NICHIDO FIRE INSURANCE CO. LTD.,

Defendants.

CIVIL CASE NO. CV

**SUMMONS**

**TO THE ABOVE NAMED DEFENDANT: TOKIO MARINE AND NICHIDO FIRE INSURANCE CO. LTD.**

To the within named Defendant (by serving upon its president or other head of the corporation, a vice president, a secretary, an assistant secretary, general manager, or a person designated for service of process or authorized to receive service of process),  
GREETINGS:

You are hereby summoned and required to serve upon **Cunliffe & Cook**, Attorneys for Plaintiffs, Suite 200, 210 Archbishop F.C. Flores Street, Hagåtña, Guam 96910, an answer to the Complaint which is herewith served upon you within **20 days** after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

RICHARD B. MARTINEZ, Acting Clerk  
**SUPERIOR COURT OF GUAM**

Dated:

**05 DEC 2005**

I do hereby certify that the foregoing  
is a full true and correct copy of the  
original on file in the office of the  
Clerk of the Superior Court of Guam  
Dated at Hagåtña, Guam

*Benny O. Cruz*

ACTING CLERK

JUN 25 2007

**LAW OFFICES**

**CUNLIFFE & COOK**

210 Archbishop F.C. Flores Street

Hagåtña, GU 96910

Telephone: (671) 472-1824

Telecopier: (671) 472-2422

Attorneys for: Plaintiff

FILED  
SUPERIOR COURT  
OF GUAM

2007 JUN 25 10:30 AM

CLERK DEPT

**IN THE SUPERIOR COURT OF GUAM**

JEREMY J. CAMACHO

Plaintiff,

vs.

RYAN P. BLUME, NISSAN MOTORS  
CORPORATION IN GUAM, a Guam  
Corporation, TOKIO MARINE AND  
NICHIDO FIRE INSURANCE CO. LTD.,

Defendants.

CIVIL CASE NO. CV

1219-05

**SUMMONS**

**TO THE ABOVE NAMED DEFENDANT: NISSAN MOTORS COPORATION IN GUAM,  
A GUAM CORPORATION**

To the within named Defendant (by serving upon its president or other head of the corporation, a vice president, a secretary, an assistant secretary, general manager, or a person designated for service of process or authorized to receive service of process),  
GREETINGS:

You are hereby summoned and required to serve upon **Cunliffe & Cook**, Attorneys for Plaintiffs, Suite 200, 210 Archbishop F.C. Flores Street, Hagåtña, Guam 96910, an answer to the Complaint which is herewith served upon you within **20 days** after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

RICHARD B. MARTINEZ, Acting Clerk  
**SUPERIOR COURT OF GUAM**

Dated: **05 DEC 2005**

I do hereby certify that the foregoing  
is a full true and correct copy of the  
original on file in the office of the  
Clerk of the Superior Court of Guam.  
Dated at Hagåtña, Guam

*Benny O. Cruz*

ACTING CLERK

JUN 25 2007

**LAW OFFICES  
CUNLIFFE & COOK**

210 Archbishop F.C. Flores Street  
Hagåtña, GU 96910  
Telephone: (671) 472-1824  
Telecopier: (671) 472-2422

Attorneys for: Plaintiff

FILED  
SUPERIOR COURT  
OF GUAM

JUN 25 2007 11:39

SUPERIOR COURT

**IN THE SUPERIOR COURT OF GUAM**

**CV 1219-05**

JEREMY J. CAMACHO

Plaintiff,

vs.

RYAN P. BLUME, NISSAN MOTORS  
CORPORATION IN GUAM, a Guam  
Corporation, TOKIO MARINE AND  
NICHIDO FIRE INSURANCE CO. LTD.,

Defendants.

CIVIL CASE NO. CV \_\_\_\_\_

**SUMMONS**

**TO THE ABOVE NAMED DEFENDANT: RYAN P. BLUME**

You are hereby summoned and required to serve upon **Cunliffe & Cook**, Attorneys for Plaintiffs, Suite 200, 210 Archbishop F.C. Flores Street, Hagåtña, Guam 96910, an answer to the Complaint which is herewith served upon you within **20 days** after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

RICHARD B. MARTINEZ, Acting Clerk  
**SUPERIOR COURT OF GUAM**

Dated: 05 DEC 2005

*Benny O. Cruz*

By

Deputy Clerk

I do hereby certify that the foregoing is a true and correct copy of the original as filed in the office of the Clerk of the Superior Court of Guam dated at Hagåtña, Guam.

JUN 25 2007

*James R. Borja*



**LAW OFFICES**

**CUNLIFFE & COOK**

210 Archbishop F.C. Flores Street  
Hagåtña, GU 96910  
Telephone: (671) 472-1824  
Telecopier: (671) 472-2422

Attorneys for: Plaintiff

FILED  
SUPERIOR COURT  
OF GUAM

2005 DEC -3 PM 3:39

CLERK OF COURT

**IN THE SUPERIOR COURT OF GUAM**

1219-05

JEREMY J. CAMACHO

Plaintiff,

vs.

RYAN P. BLUME, NISSAN MOTORS  
CORPORATION IN GUAM, a Guam  
Corporation, TOKIO MARINE AND  
NICHIDO FIRE INSURANCE CO. LTD.,

Defendants.

CIVIL CASE NO. CV

**COMPLAINT FOR DAMAGES**

**COMES NOW** Plaintiff Jeremy J. Camacho, through counsel, Cunliffe & Cook, A Professional Corporation, and hereby allege as follows:

**FIRST CAUSE OF ACTION**

1. This Court has jurisdiction over the cause of action pursuant to 7 GCA §3105.
2. Defendant Nissan Motors Corporation in Guam (hereafter "Defendant NMCG"), is, and at all times herein mentioned was, a business duly licensed in Guam, whose business includes the renting of automobiles.
3. At all times herein mentioned, Defendant NMCG was the registered owner of the 2003 Nissan Sentra, Guam License Plate No. ASA4431.
4. On information and belief, Defendant Ryan P. Blume (hereafter "Defendant Blume"), at the times mentioned herein, was a resident of Yigo, Guam, and was a permissive driver of the 2003 Nissan Sentra owned by Defendant NMCG.

5. Defendant Tokio Marine and Nichido Fire Insurance Co. Ltd. (hereafter "Defendant Tokio"), is, and at all times mentioned here, was, a corporation doing business in Guam and insuring Defendant NMCG under a policy of automobile liability insurance as the successor of Nichido Fire and Marine Insurance Co. Ltd.

6. Route 15 and Route 26, Mangilao, are, and at all times mentioned herein were, public highways in Guam.

7. On or about December 6, 2003, at approximately 6:40 p.m., Plaintiff was a passenger in a vehicle driven by Seung Hwan Pak, owned by Moon K. Hwang, and insured by Defendant Tokio. The vehicle Plaintiff was a passenger in and driven by Seung Hwan Pak was traveling southbound on Route 15 by Route 26, Mangilao, Guam. Defendant Blume attempted to execute a left turn from Route 15 onto Route 26 and struck the vehicle driven by Seung Hwan Pak. Defendant Blume received a verbal warning from the Guam Police Department for failing to yield while making a left hand turn, in violation of 16 GCA §3325(c).

8. At the time of the accident and immediately prior thereto, Defendant Blume was negligent and careless in the following particulars:

- a. In failing to keep his automobile under proper control;
- b. In failing to keep a proper look out for other vehicles using the highway in front of him and particularly the automobile in which Plaintiff was a passenger and was injured;
- c. In operating his motor vehicle without due caution or circumspection, and in utter disregard of the rights of others and particularly the rights of Plaintiff herein; and,
- d. In failing to yield the right of way at the intersection to the automobile Plaintiff was a passenger in, as noted in the warning of

the Guam Police Department. Each and all said acts of negligence were the approximate cause of the injuries to Plaintiff.

9. At the time of accident, Defendant Blume was driving the automobile in question with the consent, knowledge, permission and authority of Defendant NMCG. Defendant NMCG is liable for the damages caused by the negligence of Defendant Blume.

10. As a result of the negligence of Defendants and the resulting collision, Plaintiff received serious injuries to his right knee which caused significant and severe aggravation of a previous minor knee injury.

11. As a result of the accident, Plaintiff has suffered intense and continued pain and discomfort. Plaintiff has been subjected to pain, discomfort and suffering when attempting to use his right knee in carrying out the normal activities of daily life.

12. As result of the injuries to Plaintiff, it has been necessary for him to secure the services of physicians for treatment and purchase medicines for his treatment in an amount to be proved at trial.

13. Plaintiff's physicians have informed him, and therefore, he alleges on information and belief that it will be necessary for him to have surgery as further medical treatment in the future to correct the conditions herein and described above, in an amount to be proved at trial.

14. Since the date of the accident and resulting personal injuries set forth above, Plaintiff has suffered physical and emotional pain and suffering and in all reasonable probability, will continue to suffer pain for years, if not for the rest of his life. Plaintiff therefore, sues Defendants for physical and emotional pain and suffering, both past and future, as well as loss of enjoyment of life, in an amount to be proved at trial.

15. As a further direct and approximate result of the above, Plaintiff was permanently injured in his health and physical ability, causing diminishment of Plaintiff's future earning capacity, all to his damage in an amount to be proved at trial.

### **SECOND CAUSE OF ACTION**

16. Plaintiff reallege paragraphs 1 through 15, inclusive, of the First Cause of Action and incorporate them herein as if set out in their entirety.

17. Defendant Tokio, the automobile liability insurance carrier for Defendant NMCG, is directly liable within the terms and limits of its policy for the damages alleged herein pursuant to 22 GCA §18305.

### **PRAYER**

WHEREFORE, Plaintiff Jeremy J. Camacho prays for judgment against all Defendants, jointly and severally, as follows:

1. For damages for medical expenses, past and future, in an amount to be proved at trial.
2. For damages for pain and suffering and loss of enjoyment of life in an amount to be proved at trial.
3. For damages for reduced future earning capacity in an amount to proved at trial.
4. For Plaintiff's cost of suit herein.
5. For such other and further relief as the Court deems just and proper.

**CUNLIFFE & COOK**  
A Professional Corporation  
Attorneys for Plaintiff

Dated: Dec 5, 2005

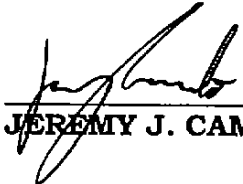
By 

JEFFREY A. COOK, ESQ.

## VERIFICATION

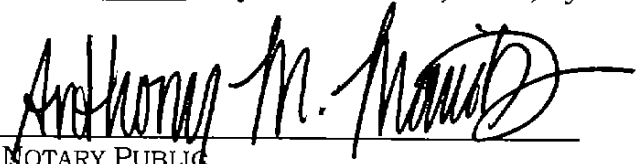
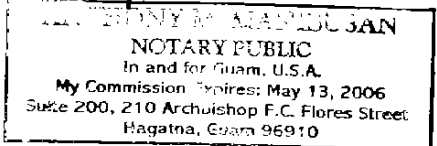
Hagåtña, Guam.

I, Jeremy J. Camacho, being first duly sworn, depose and state that I am the Plaintiff in the above-entitled matter; that I have read the foregoing Complaint for Damages and know the contents thereof; that the same is true of my knowledge, except as to those matters alleged upon information and belief, and as to those matters, I believe them to be true.

  
JEREMY J. CAMACHO

Hagåtña, Guam.


SUBSCRIBED and SWORN to before me this 5<sup>th</sup> day of December, 2005, by  
JEREMY J. CAMACHO.

  
NOTARY PUBLIC  
  
ANTHONY M. MATUSAN  
NOTARY PUBLIC  
In and for Guam, U.S.A.  
My Commission Expires: May 13, 2006  
Suite 200, 210 Archbishop F.C. Flores Street  
Hagatna, Guam 96910

JAC:amm / My Files / Civil Matters  
Comp for Damages C0298

I do hereby certify that the foregoing  
is a full true and correct copy of the  
original on file in the office of the  
Clerk of the Superior Court of Guam  
Dated at Hagatna, Guam

JUN 25 2007

  
James R. Borja  
Clerk of the Superior Court of Guam

**DOCKETING STATEMENT**

**CASE No. CV**

**CV 1219-05**

<b>PLAINTIFF(S) / PETITIONER(S):</b>  JEREMY J. CAMACHO	<b>DEFENDANT(S) / RESPONDENT(S):</b>  RYAN P. BLUME NISSAN MOTORS CORPORATION IN GUAM, A GUAM CORPORATION TOKIO MARINE AND NICHIDO FIRE INSURANCE CO. LTD.
<b>RESIDENTIAL ADDRESS:</b>  Post Office Box 3509 Hagåtña, Guam 96910	<b>RESIDENTIAL ADDRESS:</b>
<b>ATTORNEYS:</b> (Firm Name, Address and Telephone Number)  Jeffrey A. Cook, Esq. CUNLIFFE & COOK A Professional Corporation Suite 200 210 Archbishop F.C. Flores Street Hagåtña, GU 96910 Telephone: (671) 472-1824 Telecopier: (671) 472-2422	<b>ATTORNEYS:</b> (Firm Name, Address and Telephone Number)
<b>CAUSE OF ACTION:</b>  Claim for Personal Injury	

I do hereby certify that the foregoing is a true and correct copy of the original on file in the office of the clerk of the Superior Court of Guam. Dated at Hagåtña, Guam.

**RECEIVED**

DEC - 5 2005

JUN 25 2007

**SUPERIOR COURT  
OF GUAM  
CLERK'S OFFICE**

DATE: 12/05/05

SUPERIOR COURT OF GUAM

TIME: 15:44:36

CASE NO: CV1219-05

TYPE: CIVIL

CAPTION: JEREMY J. CAMACHO VS, RYAN P. BLUME, ET AL.,

TOTAL AMOUNT: 171.00

<u>Reference Number</u>	<u>Reference Date</u>	<u>Description</u>	<u>Rev acct</u>	<u>Amt Owed</u>
050017312	12/05/2005	JBF/CV CIVIL FILING FEES	33052101	150.00
050017312	12/05/2005	JBF/CV CIVIL SUMMONS	33052103	21.00

PA 309

I do hereby certify that the foregoing  
is a full true and correct copy of the  
original as the in the office of the  
Clerk of the Superior Court of Guam.  
Signed at Hagåtña, Guam

JUN 25 2007

*James R. Boria*  
Clerk of the Superior Court of Guam